

12-05-01

#13 2761-1
10/28/01 PATENT
Attorney Docket No.: 106.48

2161

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Joshua D. Kaplan

Serial No.: 09/412,404

Filed: October 5, 1999

For: **NETWORK APPARATUS AND
METHOD FOR PREVIEW OF
MUSIC PRODUCTS AND
COMPILATION OF MARKET
DATA**

Examiner: Not Yet Assigned

Art Unit: 2761

**SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT**

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Group 2100

A Continuation of:

Serial No. 08/741,915

Filed: October 31, 1996

EXPRESS MAIL CERTIFICATE

I hereby certify that the Supplemental Information Disclosure Statement, Form PTO-1449, 123 references and check in the amount of \$180.00 are hereby being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 bearing Express Mail Number EL1661587626US on October 23, 2001 and is addressed to Box IDS, Asst. Commissioner for Patents, Washington, D.C. 20231

By:

Saundra D. Hunter

Asst. Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicant submits herewith patents, publications or other information (attached hereto and listed on the attached Form PTO-1449) of which he is aware, which he believes may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. §1.56.

This Information Disclosure Statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by the fee of \$180.00, as set forth in §1.17(p).

The information submitted herewith includes various references submitted to the court in the pending litigation brought by Intouch against several defendants (Civil Action No. C 00 1156 DLJ) in the United States District Court for the Northern District of California. Applicant does

not believe that any of the disclosed references, either alone or in combination, teach or suggest the invention claimed in the pending application.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified). A copy of each of the items listed on form PTO-1449 is supplied herewith.

A concise explanation of relevance of the items listed on PTO-1449 is not given. The Examiner is respectfully reminded that a "concise explanation of the relevance" of the submitted prior art "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 C.F.R. § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

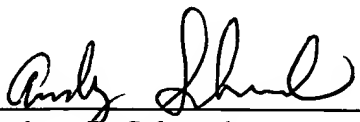
In accordance with 37 C.F.R. § 1.97(b), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 C.F.R. § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

The Commissioner is hereby authorized to charge any fees necessary in connection with this matter to Deposit Account No. 04-08222.

Respectfully submitted,
DERGOSITS & NOAH LLP

Dated: October 23, 2001

By: _____


Andrew B. Schwaab
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Attorney Docket No. 106.48